

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Peggy M. Ranallo by and through her
Power of Attorney, Jane L. Jorgenson,

Plaintiff,

vs.

NOTICE OF REMOVAL

GGNSC St. Paul Lake Ridge LLC d/b/a
Golden Living Center Lake Ridge; Golden
Gate National Senior Care LLC d/b/a
Golden Living; GGNSC Administrative
Services LLC d/b/a Golden Ventures;
GGNSC Holdings LLC d/b/a Golden
Horizons; Golden Gate Ancillary LLC
d/b/a Golden Innovations; GGNSC Equity
Holdings LLC; and GGNSC Clinical
Services LLC d/b/a Golden Clinical
Services,

Defendants.

TO THE HONORABLE COURT:

Defendants GGNSC St. Paul Lake Ridge LLC, Golden Gate National Senior Care LLC, GGNSC Administrative Services LLC, GGNSC Holdings LLC, Golden Gate Ancillary LLC, GGNSC Equity Holdings LLC, and GGNSC Clinical Services LLC (collectively "Defendants") hereby remove this action from the District Court for Ramsey County, Minnesota, to this Court pursuant to 28 U.S.C. §§ 1441 and 1446. As grounds for this removal, Defendants state as follows:

FACTS

1. The Complaint alleges that Peggy M. Ranallo was injured due to the alleged negligent care given to her while she was a resident at GGNSC St. Paul Lake Ridge LLC, a skilled nursing facility located in St. Paul, Minnesota. *See* Compl. (Ex. 1) ¶¶ 35-41.

2. The Complaint names seven related entities as Defendants. *See* Compl. (Ex. 1) at 1.

3. The Summons and Complaint were served upon GGNSC St. Paul Lake Ridge LLC, Golden Gate National Senior Care LLC, GGNSC Administrative Services LLC, Golden Gate Ancillary LLC, GGNSC Equity Holdings LLC, and GGNSC Clinical Services LLC on December 6, 2011. The Summons and Complaint were served upon GGNSC Holdings LLC on December 8, 2011.

PAPERS FROM REMOVED ACTION

4. As required by 28 U.S.C. § 1446(a), the Summons and Complaint as served upon all Defendants are attached as Exhibit 1.

TIMELINESS OF REMOVAL

5. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal has been filed (a) within thirty (30) days after service of copies of the Summons and Complaint upon Golden Gate, and (b) within one year after this action was first commenced.

CONSENT

6. All defendants have joined in and consented to this Notice of Removal.

VENUE

7. Venue of this removal is proper under 28 U.S.C. § 1441(a) because this Court is the United States District Court for the district and division encompassing the state court where the action was pending.

DIVERSITY OF CITIZENSHIP

8. This Court has original subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332 because Plaintiff and Defendants are citizens of different states.

9. The Complaint alleges that Plaintiff was a resident of Roseville, Minnesota, from September 2009 until May 2010, and that she is currently a resident of Walker Methodist Health Center. Compl. (Ex. 1) at ¶¶ 2, 42-44.

10. Walker Methodist Health Center is located in Minneapolis, Minnesota. *See* http://walkermethodist2.reachlocal.com/?scid=2114893&kw=13408337:14391&pub_cr_id=6489725876.

11. As limited liability companies, the Defendants derive their citizenship for diversity purposes from the residency of their members. As set forth below, Defendants' common member/sub-member is Drumm Corp., a Delaware Corporation with its principal place of business in California.

12. GGNSC St. Paul Lake Ridge LLC's sole member is GGNSC Equity Holdings LLC. *See* Compl. (Ex. 1) ¶ 8.

13. GGNSC Equity Holdings LLC's sole member is Golden Gate National Senior Care LLC. *See id.* at ¶ 11.

14. GGNSC Clinical Services LLC's sole member is Golden Gate National Senior Care. *See id.* at ¶ 12.

15. Golden Gate National Senior Care LLC's sole member is GGNSC Holdings LLC. *See id.* at ¶ 23.

16. Golden Gate Ancillary LLC's sole member is GGNSC Holdings LLC. *See id.* at ¶ 22.

17. GGNSC Administrative Services LLC's sole member is GGNSC Holdings LLC. *See id.* at ¶ 21.

18. GGNSC Holdings LLC's sole member is Drumm Corp. *See id.* at ¶ 24. While the Complaint alleges that Drumm Investors LLC is the sole member of GGNSC Holdings LLC, the actual name of GGNSC Holdings LLC's sole member is Drumm Corp., which was officially converted into a corporation on November 15, 2011. *See* Cert. Conversion (Ex. 2).

19. Drumm Corp. is a Delaware Corporation (Ex. 2) with its principal place of business in California. *See* Affidavit of Milton Patipa, ¶ 3.

AMOUNT IN CONTROVERSY

20. The amount in controversy exceeds \$75,000 as demonstrated by Plaintiff's Rule 68 Offer of Judgment in the amount of \$250,000. Rule 68 Offer (Ex. 3) p.1. This settlement offer is enough to meet the requisite threshold under 28 U.S.C. § 1332(a). *Groeneweg v. Flint Hills Resources, LP*, No. 08-4815, 2008 WL 4951494, at *2 (D. Minn, Nov. 18, 2008) (citing *McPhail v. Deere & Co.*, 529 F.3d 947, 956 (10th Cir. 2008)); *see also Smith v. Am. States Preferred Ins. Co.*, 249 F.3d 812, 813-14 (8th Cir.

2001) (holding that district courts should rely on the plaintiff's perspective in determining the amount in controversy).

NOTICE OF FILING NOTICE OF REMOVAL

21. In accordance with 28 U.S.C. § 1446(d), Defendants have filed a copy of this Notice with the Court Administrator of the Ramsey County District Court to effect this removal.

CONCLUSION

22. Accordingly, there is now—and there was at the time of commencement of this lawsuit—complete diversity of citizenship among the parties with an amount in controversy that exceeds the jurisdictional minimum. Consequently, this Court has original jurisdiction over the case pursuant to 28 U.S.C. § 1332, and the case falls within this Court's removal jurisdiction pursuant to 28 U.S.C. § 1441(a) and (b).

WHEREFORE, Defendants hereby remove this action to this Court for all future proceedings and trial.

Dated: December 27, 2011.

Respectfully submitted,

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LLC, GGNSC Holdings LLC, Golden Gate
Ancillary LLC, GGNSC Equity Holdings LLC,
and GGNSC Clinical Services LLC***